Allen Charge Court Ex. 11

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	X	
TARA PERRY, $Plaintiff,$: : : : : : : : : : : : : : : : : : : :	
-against-	:	10-CV-4678 (KAM) (VVP)
CARMELO MELENDEZ & COLLEEN PRICE	: : :	10 0 10 10 (12 14)
Defendants.	: : x	

KIYO A. MATSUMOTO, United States District Judge:

ALLEN CHARGE

Members of the jury, as I told you earlier, it is your duty to consult with one another, deliberate, and try to reach agreement, if you can do that without violating your conscience, based on the evidence in this case and the law as you were instructed. Each of you must decide the case for yourself, but only after considering and discussing the evidence with your fellow jurors.

When you deliberate, you should be willing to reexamine your own views and change your mind, if you decide you were mistaken. Of course, you must not give up your honest beliefs about the evidence just because of what other jurors believe to be the truth, or just because you want to reach a verdict. For all jurors to agree, you will have to openly and frankly examine and discuss the questions you have to decide. I cannot emphasize too strongly that each of you should give attention to the views of others, respect those views, and be willing to reexamine your own views.

Each juror ought to consider whether his or her own evaluation of the weight of the evidence is a correct one, particularly if that evaluation makes no effective impression upon one or another of his or her equally disinterested fellow jurors, each of whom bears the same responsibility, serves under the sanctions of the same oath, and has heard the same evidence.

Remember that you are not representing either side. You are, instead, judges—judges of the facts; judges of the believability of the witnesses; and judges

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of the weight of the evidence. Your only job is to find the truth from the evidence. You may take all the time you need.

Finally, remember that the parties have invested much time, effort, and money in trying this case. If you cannot agree on a verdict, the case is left open and may have to be retried at some later date. A second trial would be costly to both sides, and there is no reason to believe that this case would be tried again, by either side, better or more exhaustively than it has been tried before you. There is also no reason to believe that the case will ever be submitted to jurors more intelligent, more impartially chosen, or more competent to decide it than you.

These are obvious matters, but they are critical reminders that the task before you is one of conscientious decision, based on the evidence which you are to take.

You are all reasonable, intelligent, and committed citizens of this district. We are all profoundly grateful for your efforts and service in considering the evidence and deciding the issues that are of great importance to the parties in this case.

Please return to the jury room to continue your deliberations using your best judgment.